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IN THE EASTERN DISTRICT OF NORTH CAROLINA FEDERAL CIVIL COURT  
**RECEIVED**

NOV 25 2020

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC

Mr. John Thomas Coley, plaintiff

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CIVIL ACTION

5:20-CV-631-FL

VS.

Durham VA Medical Center, respondent

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The veteran/plaintiff in this cause of action served in The United States Air Force from 1985-1992. Prior to this time in The US Air Force, the plaintiff also served in North Carolina National Guard from 1982 until being transferred into The United States Air Force in 1985.

Upon separation from the United States Air Force, the Veterans Administration assigned the plaintiff in this cause of action a disability rating of 10% with zero compensation due to the job that the plaintiff performed while on active duty, Aircraft maintenance technician. In arriving at this rating, it was required for the veteran to have his hearing checked and that examination was conducted by the veterans administration in Winston-Salem, NC.

In the early 2000's, I began experiencing mood swings, thus I scheduled an appointment with my primary health care provider, Dr. Adam Swartz. Dr. Swartz stated that what I was experiencing was anxiety and depression. As a result of said appointment, Dr. Swartz prescribed mental health drugs to help me with this issue. The mental health drugs had adverse side effects to include suicidal Idealizations, insomnia, rigid muscles, nightly cold sweats, and dizziness. In 2012, wherein the plaintiff sustained a Traumatic Brain Injury by falling off of an 18 Wheeler's cab's entrance/exit

platform. At this occurrence, I was being treated with mental health drugs by Dr. Swartz. In this occurrence, I also sustained a fracture of my right hand and discovered that I have a birth defect in that same hand wherein there's no cartilage between the two bones, two bones that are fused together. Soon after this traumatic brain injury, the plaintiff submitted a detailed list of times wherein the plaintiff had sustained a traumatic brain injury to Durham VA medical center's Hillandale Clinic II, thus alerting medical staff of being a fall risk, yet this notification was ignored by Dr. Swartz.

The next traumatic brain injury occurred due to my employer at the time fail to utilize tie-down straps caused this traumatic brain injury wherein was thrown backwards off of a golf cart. In this traumatic brain injury, I sustained another concussion as well as an injury to several vertebrae in my neck. The veterans administration did not cause this injury, however the plaintiff was on mental health drugs at the time of the incident that were prescribed by Dr. Swartz.

Each time the plaintiff experienced adverse side-effects of the mental health drugs, he generally had to wait at least six weeks to address the adverse side-effect. The plaintiff opines that it's too dangerous to continue the mental health drugs especially when you're experiencing adverse side-effects. At some point, the plaintiff scheduled an appointment to see his doctor about the idea of prescribing a mental health drug that had a warning on the side of the bottle stating that this drug may cause dizziness to a patient that has a history of falling resulting in several concussions. My initial thoughts were such that perhaps Dr. Swartz would try another drug, however that didn't happen. Instead, Dr. Swartz persuaded me to continue taking said medication, Venlafaxine by saying, "you know that your anxiety and depression is only going to get worse". So, I continued taking the drugs until I had another adverse experience. Insomnia was the adverse side-effect and after being up for 96 hours, I went to the VA Medical Center's emergency room. Upon arrival, fell into the nurse that was on duty that night, talking all incoherently like a raging lunatic. The nurse began taking my vitals, and I collapsed, fell out of the chair and passed out. I regained consciousness by a male doctor began to insert an IV into the top of my right hand. I remained at the hospital for the remainder of the night on

suicidal watch and was given instructions to follow-up with primary care. (After the 18 wheeler concussion, Dr. Swartz was reassigned to another section of the hospital.) This follow-up appointment was with primary care. At some point, the Veterans Administration saw the need to reassign Dr. Swartz because when I had the follow-up appointment it was not with my regular primary care provider. This was a female doctor who did not prescribe any other mental health drug. On or about December 18, 2018, the doctor's comments upon arrival for the mental health follow-up were, "I'm not sure why you're here?" clearly indicating his level of confidence in his ability to help me at the Durham VA Medical Center's mental health clinic. In the Durham VA Medical Center's best efforts to help me with the adverse side-effects, I can account for at least two suicidal Idealizations and at least two or more concussions due to rigid muscles and dizziness. The Durham VA Medical Center's mental health clinic thus caused the plaintiff further harm by exposing the plaintiff to "Drug-Induced Parkinsons." The plaintiff in this cause of action opines that the Veterans Administration's failure to acknowledge the potential risk factor associated with the possibility of exposing the plaintiff to harmful drugs took away the plaintiff's ability to maintain stable employment to the extent that the plaintiff became homeless as a result. As a result the Veterans Administration's inability to listen to the veteran placed the veteran in harm's way to the extent that now the veteran have brain damage and nerve damage as stated by an outsourced audio exam that was performed at the request of the veterans administration. The Audiologists stated that yes, I do have a slight variation from one ear to the other, but that's not whats going on here. The Audiologist stated that plaintiff is suffering from neurotransmitters that periodically misfires. The misfires happens daily to the extent that the plaintiff is no longer able to maintain employment, his daily activities such as the simple task of tying up the plaintiff's shoes is challenging and time consuming and repetitive. As a result of the neurotransmitters intermittently misfiring in the workplace, places the plaintiff at a disadvantage to the extent that the employer views the plaintiff as incompetent or in a less favorable position due to not knowing the nature of traumatic brain injuries. The plaintiff opines the Veterans Administration never stated to the plaintiff that he

suffers from PTSD. It was with Carolina Outreach, wherein two mental health assessments revealed the PTSD diagnosis.

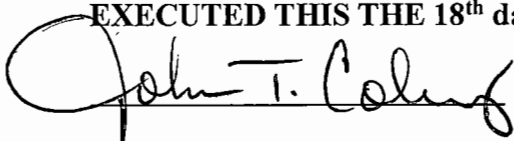
When the plaintiff made the decision to sever his ties with Durham VA Medical Center, he has been under the care of Carolina Outreach and Ms. Nancy Solberg is the plaintiff's outpatient Therapist that performed one of these aforementioned mental health assessments.

As a result of the Veterans Administration's failure to listen to the veteran, exposed the veteran to Drug-Induced Parkinsons and caused the veteran greater harm as to the adverse side-effects associated with mental health drugs that resulted in additional concussions and suicidal idealations. Since ceasing the mental health drugs, the plaintiff has not fallen, thus giving rise that the adverse side-effects were causing the plaintiff to fall, resulting in additional concussions to the extent that the veteran now has brain damage and nerve damage that significantly affects all of his daily activities. The veteran in this cause of action further opines that the veterans administration's mental health clinic denied the plaintiff access to seek treatment during a follow-up mental health appointment by saying, "I'm not sure why you're here?".

**WHEREFORE**, The plaintiff in this cause of action seeks the following relief of \$ 200 Million Dollars for his pain and suffering.

Under the penalty of perjury, the plaintiff in this cause of action, the plaintiff Declares that the foregoing civil action is TRUE and CORRECT to the best of his knowledge and belief.

**EXECUTED THIS THE 18<sup>th</sup> day of November, 2020.**

A handwritten signature in black ink, appearing to read "John T. Coley", written over a horizontal line.

Mr. John Thomas Coley, Plaintiff

2209 Ashe St. Durham, NC 27703